

## REMARKS

Claims 1-32 are pending in the present application. Claims 1-32 have been examined, claims 1-11, 21-26 and 29-32 are rejected, and claims 12-20, 27 and 28 are objected to. In the above amendments, claims 3 and 12 have been amended, and new claims 33-36 have been added. Therefore, after entry of the above amendments, claims 1-36 will be pending in this application. Applicant believes that the present application is now in condition for allowance, which prompt and favorable action is respectfully requested.

### **Objected to Claims 12-20, 27 and 28**

Claims 12-20, 27 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 12 has been amended to include all of the limitations of original base claim 8. Claims 13-20, 27 and 28 are dependent on claim 12. Claims 12-20, 27 and 28 should be allowed.

### **Rejection of Claims 1-11, 21-26 and 29-32 Under 35 U.S.C. §102(c)**

Claims 1-11, 21-26 and 29-32 stand rejected under 35 U.S.C. §102(c) as being anticipated by Schwarz *et al* (US2006/0111110). The rejection indicates that paragraphs [0069] and [0070] of Schwarz disclose all of the features of independent claims 1, 8, 29 and 32.

Claim 1 of the present application recites:

“An apparatus operable to schedule measurement for cells in a plurality of wireless communication systems, comprising:

a controller operative to categorize cells in a first wireless communication system based on a plurality of states, prioritize the plurality of states, prioritize cells in a second wireless communication system relative to the plurality of states, select a cell in the first system or the second system based on priorities of the cells in the first and second systems, and schedule the selected cell for measurement in next available frame; and

a demodulator operative to make measurement for the selected cell in the next available frame.”

Applicant submits that claim 1 is not anticipated by Schwarz for at least the following reasons.

First, Schwarz does not disclose “a controller operative to categorize cells in a first wireless communication system based on a plurality of states,” as recited in claim 1. Paragraph [1008] of the present application discloses “each state is associated with information indicating, for example, whether or not timing and cell information have been obtained for a cell.” The cited sections of Schwarz do not disclose categorizing cells based on states.

Second, Schwarz does not disclose “prioritize the plurality of states,” as recited in claim 1. In paragraph [0069], Schwarz discloses ranking cells based on measured quality of the cells. Ranking cells based on measured quality may not achieve the same results as prioritizing states. For example, a cell with a low priority state but high measured quality may be ranked low in accordance with claim 1 but high by Schwarz.

Third, Schwarz does not disclose “prioritize cells in a second wireless communication system relative to the plurality of states,” as recited in claim 1. The cited sections of Schwarz do not disclose two wireless communication systems and further do not disclose prioritizing cells in one system relative to states for cells in another system.

Fourth, Schwarz does not disclose “select a cell in the first system or the second system based on priorities of the cells in the first and second systems, and schedule the selected cell for measurement in next available frame,” as recited in claim 1. Rather, in paragraph [0070], Schwarz discloses “measurements on the neighbour cell 320 are triggered based on measured quality of the serving cell 310 and the quality threshold of the serving cell 310.” Schwarz thus selects the neighbour cell 320 for measurement based on different criteria (measured quality and quality threshold) than the criteria (priorities) recited in claim 1.

For at least the above reasons, Applicant submits that claim 1 is not anticipated by Schwarz. Claims 2-7 are dependent on claim 1 and are not anticipated by Schwarz for at least the reasons noted for base claim 1.

Independent claims 8, 29 and 32 each recite the features noted above for claim 1. Claim 9-11 and 21-26 are dependent on claim 8, and claims 30 and 31 are dependent on claim 29. Claims 8-11, 21-26, and 29-32 are not anticipated by Schwarz for at least the reasons noted for claim 1.

Accordingly, the §102(c) rejection of claims 1-11, 21-26 and 29-32 should be withdrawn.

**New Claims 33-36**

New claims 33-36 are apparatus claims that correspond to objected to claims 12-15, respectively. Claims 33-36 should also be allowed.

**CONCLUSION**

In light of the amendments contained herein, Applicant submits that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: April 4, 2007

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